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SENATE BILL 81

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO CRIMINAL LAW; REVISING THE PENALTIES FOR THE
OFFENSE OF EVADING AN OFFICER; AMENDING AND ENACTING SECTIONS
OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-22-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 22-1, as amended) is amended to read:

"30-22-1. RESISTING [~~EVADING~~] OR OBSTRUCTING AN
OFFICER. --

A. Resisting [~~evading~~] or obstructing an officer
consists of:

[~~A.~~] (1) knowingly obstructing, resisting or
opposing any officer of this state or any other duly authorized
person serving or attempting to serve or execute any process or
any rule or order of any of the courts of this state or any

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1 other judicial writ or process; or

2 ~~[B. intentionally fleeing, attempting to evade or~~
3 ~~evading an officer of this state when the person committing the~~
4 ~~act of fleeing, attempting to evade or evasion has knowledge~~
5 ~~that the officer is attempting to apprehend or arrest him;~~

6 ~~C. willfully refusing to bring a vehicle to stop~~
7 ~~when given a visual or audible signal to stop, whether by hand,~~
8 ~~voice, emergency light, flashing light, siren or other signal,~~
9 ~~by a uniformed officer in an appropriately marked police~~
10 ~~vehicle; or~~

11 ~~D.]~~ (2) resisting or abusing any judge,
12 magistrate or peace officer in the lawful discharge of his
13 duties.

14 B. Whoever commits resisting [~~evading~~] or
15 obstructing an officer is guilty of a misdemeanor. "

16 Section 2. A new section of the Criminal Code is enacted
17 to read:

18 "[NEW MATERIAL] EVADING AN OFFICER. --

19 A. Evading an officer consists of a person:

20 (1) intentionally fleeing, attempting to evade
21 or evading an officer of this state when the person committing
22 the act of fleeing, attempting to evade or evasion has
23 knowledge that the officer is attempting to apprehend or arrest
24 him; or

25 (2) willfully refusing to bring a vehicle to a

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1 stop when the person is given a visual or audible signal to
2 stop, whether by hand, voice, emergency light, flashing light,
3 siren or other signal, by a uniformed officer in an
4 appropriately marked police vehicle.

5 B. Whoever commits evading an officer shall be
6 punished as follows:

7 (1) if the highest crime committed by a person
8 who commits evading an officer is a capital or first degree
9 felony, the person who commits evading an officer is guilty of
10 a second degree felony;

11 (2) if the highest crime committed by a person
12 who commits evading an officer is a second degree felony, the
13 person who commits evading an officer is guilty of a third
14 degree felony;

15 (3) if the highest crime committed by a person
16 who commits evading an officer is a third or fourth degree
17 felony, the person who commits evading an officer is guilty of
18 a fourth degree felony; and

19 (4) if the highest crime committed by a person
20 who commits evading an officer is a misdemeanor or petty
21 misdemeanor, the person who commits evading an officer is
22 guilty of a petty misdemeanor. "

23 Section 3. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 2003.